

**WINDELS MARX LANE & MITTENDORF, LLP**

156 West 56<sup>th</sup> Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215  
Howard L. Simon  
Kim M. Longo  
John J. Tepedino

*Special Counsel to Irving H. Picard, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  v.  STANLEY I. LEHRER, in his capacity as administrator of the Stanley I. Lehrer and Stuart M. Stein, J/T WROS; ELAINE STEIN ROBERTS; and EUNICE CHERVONY LEHRER,  Defendants.	Adv. Pro. No. 10-05259 (SMB)

**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, in this Adversary Proceeding on August 20, 2015 [Dkt. No. 144], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on December 1, 2017, Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), filed with this Court the Notice of Mediation Referral [Dkt. No. 200], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Richard J. Davis, Esq., from the law office of Richard J. Davis, to act as the Mediator in this matter. The Parties further agree to contact the Mediator as soon as practicable after this Notice of Mediator

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York  
December 15, 2017

By: /s/ Howard L. Simon  
Howard L. Simon (hsimon@windelsmarx.com)  
Kim M. Longo (klongo@windelsmarx.com)  
John J. Tepedino (jtepedino@windelsmarx.com)  
Windels Marx Lane & Mittendorf LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215

*Special Counsel for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

Dated: New York, New York  
December 15, 2017

By: /s/ Carole Neville  
Carole Neville (carole.neville@dentons.com)  
Dentons US LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 768-6889  
Facsimile: (212) 768-6800

*Attorneys for Defendant Elaine Stein Roberts*

Dated: Delray Beach, Florida  
December 15, 2017

By: /s/ Stanley Lehrer  
Stanley Lehrer, in his capacity as administrator of the  
Stanley I. Lehrer and Stuart M. Stein, J/T WROS  
Delray Beach, Florida 33446

*Defendant*

Dated: Delray Beach, Florida  
December 15, 2017

By: /s/ Eunice Chervony Lehrer  
Eunice Chervony Lehrer  
Delray Beach, Florida 33446

*Defendant*